

tion to the people; and the Comptroller is hereby required to see that the tax hereby levied is assessed and collected.

Senator Flanagan moved a call of the Senate. Call sustained. Roll called, and Senator Ireland found to be absent.

The sergeant-at-arms was instructed by the President to bring in Senator Ireland. Senator Ireland was announced, and the call was suspended.

Senator Swift offered the following as an amendment to the amendment offered by Senator Wood: "Amend by inserting one fourth of one per cent."

Senator Dillard moved to lay the amendment offered by Senator Swift, on the table. Lost by the following vote:

Yeas—Senators Allison, Bradley, Camp, Erath, Friend, Ireland, Ledbetter, Morris, Parker, Russell, Swift, Westfall and Wood—13.

Nays—Senators Ball, Baker, Bradshaw, Burton, Davenport, Dillard, Dwyer, Ellis, Flanagan, Hobby, Moore, Randle, Stirman and Trolinger—14.

The question then recurred on the adoption of the amendment offered by Senator Wood, and the following was the result:

Yeas—Senators Allison, Baker, Bradley, Camp, Dwyer, Ellis, Erath, Ireland, Ledbetter, Morris, Parker, Russell, Swift, Westfall and Wood—15.

Nays—Senators Ball, Bradshaw, Burton, Davenport, Dillard, Flanagan, Friend, Hobby, Moore, Randle, Stirman and Trolinger—12.

Senator Moore offered a substitute for Senate joint resolution under consideration, as amended. Ruled out of order by the President.

Senator Dillard moved to reconsider the vote by which the substitute offered by Senator Ireland for Senate joint resolution No. 88 was lost.

Senator Bradley moved to lay the motion on the table. Carried.

Senator Bradshaw moved to amend as follows: insert "three to be chosen for each Senatorial district." Adopted.

The question then recurred on the adoption of the joint resolution as amended, with the following result:

Yeas—Senators Ball, Bradshaw, Burton, Dillard, Flanagan, Hobby, Moore, Randle, Stirman and Trolinger—19.

Nays—Senators Allison, Baker, Bradley, Camp, Davenport, Dwyer, Ellis, Erath, Friend, Ireland, Ledbetter, Morris, Parker, Russell, Swift, Westfall and Wood—17.

The joint resolution was therefore lost.

Senator Bradley moved to reconsider the vote just taken.

Senator Wood moved to lay the motion of Senator Bradley on the table. Carried.

Senator Ireland asked that his committee be excused from attendance on the Senate,

while investigating the charges against Judge Williamson. Granted.

On motion of Senator Erath, the Senate adjourned to 10 A. M., to-morrow.

THIRTY-SIXTH DAY.

SENATE CHAMBER,
AUSTIN, February 25, 1874. {

Senate met pursuant to adjournment. Roll called; quorum present.

Prayer by the chaplain.

Journal of yesterday read, corrected, and adopted.

Senator Ireland asked that the journals of to-day should state that when he was absent on yesterday, on the call of the Senate, that he was in the Capitol hall, near by, and in the official discharge of his duties on a committee; which statement, being in strict accordance with the facts of the case, the journal is hereby so corrected.

Senator Wood presented a petition from citizens of Jewett, Leon county, asking for a law "To authorize the election of a justice of the peace in towns and villages not having sufficient population to authorize incorporation, for the purpose of the preservation of peace and order in such places." Read and referred to Judiciary Committee.

On motion of Senator Wood, the following corrections were made to the journal of yesterday: In the discussion of Senate joint resolution No. 88, to call a constitutional convention, just after the following: "Senator Swift offered the following as an amendment to the amendment offered by Senator Wood: Amend by inserting one-fourth of one per cent.," the following statement should occur: "Senator Dillard moved to lay the amendment and the amendment to the amendment on the table. Lost by the following vote:

"Yeas—Senators Ball, Bradshaw, Burton, Davenport, Dillard, Flanagan, Hobby, Moore, Randle, Stirman and Trolinger—11.

"Nays—Senators Allison, Baker, Bradley, Camp, Dwyer, Ellis, Erath, Friend, Ireland, Ledbetter, Morris, Parker, Russell, Swift, Westfall and Wood—16."

The question then recurring on the adoption of the amendment to the amendment, offered by Senator Swift, the following was the result:

Yeas—Senators Allison, Bradley, Camp, Erath, Friend, Ireland, Ledbetter, Morris, Parker, Russell, Swift, Westfall and Wood—13.

Nays—Senators Ball, Baker, Bradshaw, Burton, Davenport, Dillard, Dwyer, Ellis, Flanagan, Hobby, Moore, Randle, Stirman and Trolinger—14.

So the amendment to the amendment was lost.

Senator Hobby presented a petition from citizens of Polk and Trinity counties "asking that a portion of Trinity county be added to Polk county." Read and referred to Committee on Counties and County Boundaries.

Senator Ball presented a petition from citizens of Erath county, "asking for a new judicial district, and a relinquishment of State tax for two years." Read and referred to Judiciary Committee.

Senator Ireland, chairman of Judiciary Committee, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Judiciary Committee, to whom was referred Senate bill No. 116, "An act to amend 'An act concerning private corporations,'" submit that in the opinion of the committee, it is a grave question, in much doubt, whether the act sought to be amended is a law. It is an act purporting to have been passed by the Twelfth Legislature. It had no enacting clause; the Thirteenth Legislature amended the first section, but the question "whether by amendment, vitality can be given to an act otherwise lifeless," is not free from doubt. In view of these facts, the committee herewith report the original bill, embracing the substance of Senate bill No. 116, instead of section ten, of the act, and recommend the passage of the substitute.

IRELAND, Chairman.

The title of the substitute referred to, is an act to amend "An act concerning private corporations," approved December 2, A. D. 1871.

Report from Committee on Claims and Accounts:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Claims and Accounts, to whom was referred Senate bill No. 20, "An act for the relief of J. M. Swisher for services rendered as auditing clerk, during the years 1872 and 1873," have examined the same, and find the claim to be legitimate and just, and report it back, with the recommendation that it do pass.

W. H. SWIFT, Chairman.

A message was received from the House, announcing the passage of a concurrent resolution, "permitting withdrawal of charges against Judge M. W. Wheeler, of the Fifth Judicial District."

Senator Hobby, for the Committee on Internal Improvements, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Internal Improvements, to whom was referred Senate bill No. 127, "An act to improve the navigation of the Sabine, Neches, and Angelina rivers, and Pine Island Bayou, in the State of Texas," instruct me to report the following amendment to section eight of said act,

and recommend the passage of the bill as amended.

Hobby, for Committee.

That section eight shall read as follows: "The points between which work on said Neches river shall be done, shall be between Weiss' Bluff, on said river, and Clarke's Ferry, on said river; the points between which work shall be done on the Angelina river, shall be between Platonina, on said river, and the mouth of said river; the points between which work shall be done on Pine Island Bayou, shall be Concord, on said bayou, and the mouth of said bayou; the points between which work shall be done on the Sabine river, shall be Hamilton on said river, and the mouth of said river; that the engineer appointed to inspect the above work shall be appointed at the expense of the contracting parties; and the land certificates hereinbefore mentioned, shall be issued only for work actually done."

Section nine. That this act take effect and be in force from and after its passage.

Senator Bradley introduced a bill entitled "An act providing for the removal of county seats." Read and referred to Committee on Counties and County Boundaries.

Report from Committee on State Affairs.

Hon. R. B. Hubbard, President of the Senate:

In view of the many petitions, memorials and bills relating to claims for land and other relief sought by citizens against the State, referred to your Committee on State Affairs, and the doubt entertained by your said committee as to whether such relief can be constitutionally granted by special legislation, under section forty of the general provisions of the Constitution, as amended, your committee has instructed me to report the following resolution:

Resolved, That the Committee on Judiciary are hereby instructed and required to consider the practicability of enacting a general law regulating the mode and manner of granting relief to parties claiming land and seeking other relief against the State, and to report a bill in relation to said subject, in compliance with section forty of the general provisions of the Constitution.

ELLIS,

CAMP, for Committee.

Senator Westfall introduced a bill, entitled "An act providing for the establishment of a State normal school." Read first time and, on motion of Senator Westfall, it was laid on the table, and one hundred copies ordered printed.

Senator Wood introduced a bill, entitled "An act to incorporate the Hearne Iron Works and Manufacturing Company." Read first time and referred to the Judiciary Committee.

Report from Committee on Internal Improvements:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Internal Improve-

ments, to whom was referred Senate bill No. 182, entitled "An act to provide for and regulate the construction of toll bridges," have carefully considered the same, and instruct me to report the accompanying substitute for said bill, and recommend its passage.

WOOD, for Committee.

The title of the substitute referred to is, "An act to provide for the construction of toll bridges."

Senator Westfall, chairman of Select Committee, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Select Committee, instructed by resolution to act with a like committee on the part of the House, in considering "the propriety of lighting the State House with gas," beg leave to report that they have had the subject under consideration, and, as the result of their labors, would respectfully present the accompanying proposal for the consideration of the Senate, and ask to be discharged from further duty.

W. H. WESTFALL, Chairman.

Report adopted, and committee discharged.

AUSTIN, February 24, 1874.

To Committee on Lighting Capitol Building with Gas:

GENTLEMEN—I hereby propose to fit up the entire capitol building with gas pipe of a suitable size to give a full, free flow of gas to all parts of the building, having outlets in every hall, entry and room in the building, so that there need be no use for a single lamp or candle under the roof, making both the Senate chamber and Representative hall light enough, from chandeliers and brackets, to enable writing to be done at every desk in either house, for the sum of two thousand dollars (\$2000) in United States currency, or its equivalent in warrants of the State.

Very respectfully, C. M. HITE.

Senator Baker introduced a bill entitled "An act the better to secure a pure and impartial administration of justice in the courts of the country." Read first time and referred to Judiciary Committee.

Senator Westfall, for the Committee on Enrolled Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Enrolled Bills ask leave to report that they have carefully examined Senate bill No. 125, "An act to organize the county of Kinney," and find the same correctly enrolled, and have this day, February 24, at 7 o'clock p. m., presented the same to the Governor for his approval.

W. H. WESTFALL, for Committee.

Senator Swift presented a petition from citizens of Nacogdoches county, asking the Legislature to incorporate the Masonic institute of Melrose, in the said county of

Nacogdoches," and also introduced a bill, accompanying said petition, entitled "An act to prohibit the sale of intoxicating or spirituous liquors in the vicinity of the Masonic Institute at Melrose and the academy and church at Douglas, in the county of Nacogdoches." Petition and bill read first time and referred to Committee on State Affairs.

Senate bill No. 58, "An act prescribing the mode of proceeding in district courts in matters of probate," was taken up and read third time.

(Senator Ball in the chair.)

On motion of Senator Swift, the rules were suspended to take up House concurrent resolution, "permitting withdrawal of charges against Judge M. W. Wheeler, of the Fifth Judicial District." It was taken up and read first time.

On motion of Senator Swift, the rules were further suspended, resolution read second time and passed to third reading.

On motion of Senator Swift, the rules were further suspended, resolution read third time and passed.

On motion of Senator Westfall, the committee in the case of Judge Wheeler, of the Fifth Judicial District, was discharged.

The following pending amendment, offered by Senator Culberson, on Senate bill No. 58, some days since, was lost: "Provided that before any sale of the property is made by the survivor, said survivor shall execute a bond, payable to the clerk of the district court, in a sum equal to one-half of the property; condition, that such survivor shall pay over to the children their interest in the estate as they become of age."

Senator Bradley offered the following amendment: Amend by adding additional, "Section —. That this act take effect and be in force from and after its passage." Adopted.

The bill as amended was then read third time and passed.

Senator Randle, chairman Committee on Engrossed bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Engrossed Bills have examined and find correctly engrossed the following bills, viz: No. 163, "An act to define the Tenth Judicial District and to provide the time of holding courts therein and to attach the county of Rockwall to the Fourteenth Judicial District;" No. 186, "To provide for holding district court in Eastland county;" and No. 156, "To authorize the Governor to sell certain bonds of the State and to adjust and settle the indebtedness of the State with Williams & Guion." Respectfully,

ED. RANDLE, Chairman.

(Mr. President in the chair.)

The special order, being the considera-

tion of Senate bill No. 30, "An act concerning landlords and tenants," it was taken up and considered.

Senator Ellis moved that the bill be considered by sections. Carried.

Senator Baker offered the following amendment: In line thirty-five, section one, after the word "premises," erase the words, "and for one month thereafter."

Senator Bradshaw offered the following amendment as a substitute for the amendment offered by Senator Baker: Amend section one, line thirty-five, by striking out, "and for one month thereafter," and insert, "and until the first day of January thereafter." Lost.

Senator Baker withdrew the amendment offered by him, and offered the following: Insert in section one, line forty-two, after the word "attach," the words, "to agricultural products, which have been delivered and purchased in good faith, or." Lost.

Section one was then adopted.

On motion of Senator Ireland, section two was then adopted.

On motion of Senator Westfall, section three was then adopted.

On motion of Senator Bradley, section four was then adopted.

Senator Ellis offered the following amendment: Amend by adding, after the word "writing," in line seven of section five, the words "and duly recorded in the county where said leased premises are situated."

Senator Dillard offered the following amendment, as a substitute for the one offered by Senator Ellis: Amend section five by striking out lines six and seven. Adopted.

On motion of Senator Bradley, section five, as amended, was then adopted.

Section six was then adopted.

The question then being, "shall the bill be engrossed," Senator Flanagan called for the yeas and nays.

The bill was ordered engrossed by the following vote:

Yeas--Senators Bradshaw, Bradley, Camp, Davenport, Dillard, Dwyer, Ellis, Erath, Friend, Hobby, Ireland, Ledbetter, Morris, Moore, Russell, Stirman, Swift, Trolinger, Westfall and Wood--20.

Nays--Senators Allison, Ball, Baker, Burton, Flanagan, Parker and Randle--7.

On motion of Senator Wood, the rules were suspended, bill read third time and passed by the following vote:

Yeas--Senators Bradshaw, Bradley, Camp, Davenport, Dillard, Dwyer, Ellis, Erath, Friend, Hobby, Ireland, Ledbetter, Morris, Moore, Russell, Stirman, Swift, Trolinger, Westfall and Wood--20.

Nays--Senators Allison, Ball, Baker, Burton, Flanagan, Parker and Randle--7.

Senator Ellis moved to suspend the rules

to take up Senate bill No. 152, "An act to repeal all laws empowering counties, cities and towns to levy taxes for the purpose of making donations to railroads and other companies;" also, Senate bill No. 159, "An act to amend section ten of an act to provide for the registration of voters, and to repeal 'An act to provide for special registration of voters, under the provisions of an act to authorize towns, cities and counties to aid in internal improvement,'" also, Senate bill No. 168, "An act to amend an act to provide for the registration of voters, and to repeal 'An act to provide for the special registration of voters,'" etc., approved May 31, 1871; approved April 29, 1873. Motion carried, rules suspended, bills taken up, and,

On motion of Senator Ellis, were made special order for Friday next at 11 o'clock A. M.

On motion of Senator Westfall, House bill No. 6, "An act to ascertain the amount due teachers of public free schools, for services rendered as teachers, prior to July 1, 1873; and to provide for the payment of the same, and regulating, verification and disbursement," was taken from the calendar and recommitted to Committee on Education.

A message from the House was received, announcing that the House had yesterday, spread upon its journals, additional charges against Judge M. Priest, of the Fourth Judicial District.

On motion of Senator Dilliard, the message from the House was read, and the additional charges against Judge M. Priest, of the Fourth Judicial District, ordered spread on the journals of the Senate, viz:

To His Excellency Richard Coke, Governor of the State of Texas:

The House of Representatives of the State of Texas, the Senate concurring therein, do now amend their address to your Excellency, of the 20th day of January, A. D. 1874, and amending, present the following additional causes for the removal of M. Priest, Judge now acting in the Fourth Judicial District of Texas:

Ninth, Because said Priest, who, when a member of the Twelfth Legislature, in providing for himself, secured a place for his son and son-in-law; having E. J. Davis, the then acting Governor, to appoint one W. L. David, his (Priest's) son-in-law, treasurer of Cherokee county, and the said son-in-law having filed a bond with the clerk of the district court without the approval of the police court, the said bond being for the penal sum of two thousand dollars, the said police court did, at its next regular term thereafter, in view of the facts, that the sheriff of Cherokee county was ready to pay over the funds of the said county, nearly six thousand dollars, and the said bond being insufficient in amount, and not ap-

proved by the police court as required by law, the said court declined to recognize the said son-in-law of said Priest, as treasurer of Cherokee county, unless he would give bond for seven thousand dollars with good and sufficient securities. Whereupon the said Priest, father-in-law of the said son-in-law David, flush with the idea of centralization, and the will of the power being the law, visited the police court room, and by threats attempted to induce the said court to recognize his said son-in-law as the treasurer of Cherokee county, which the said court declined to do, believing their oaths and duty to the people more obligatory, than the will of the headcentre or his tools, and instructed the sheriff and all others holding funds belonging to the county, to refuse to pay the same to said David, son-in-law of said Priest, unless he complied with the requirements of the law, and the orders of the police court under the law.

The District Court of Cherokee county, being in session, the said M. Priest, to evince his loyalty to the party that placed him in power, and his interest in the pecuniary gains of his son-in-law, W. L. David, disregarding the law and the oath he had taken, did, upon his own motion, cause to be entered upon the minutes of the November term of the District Court of Cherokee county, the following order, to-wit:

EXHIBIT A.

THE STATE OF TEXAS, CHEROKEE COUNTY.—Be it remembered, that at a regular term of the District Court of Cherokee county, begun and holden on the 21st of November, 1870, among other proceedings, the following were had: The court, Judge M. Priest presiding, upon his own motion caused the following order to be entered upon the minutes of said term on the third day of December, 1870:

"WHEREAS, jurors, grand and petit, have been in attendance on this court, and as existing laws make jury certificates preference claims, to be paid out of any monies in the hands of the treasurer, and understanding that there is no money in the treasury to pay jurors, but that there is money due the county in the hands of certain officers of this county. It is therefore ordered by the court that the sheriff of this county, the justices of the peace and other officers of this county, as soon as practicable pay over the money in their hands due and belonging to Cherokee county, and all money hereafter received by them, from time to time, into the hands of W. L. David, who is the duly commissioned, bonded and sworn treasurer of said county, and said treasurer will pay out the same to claimants against the county as directed by existing laws, giving at all times preference

to jury certificates. That a copy of this order be regularly issued to said officers.

THE STATE OF TEXAS, CHEROKEE COUNTY.—I, W. L. Byrd, Clerk of the District Court of said county, do hereby certify that the foregoing is a full, true and correct transcript of an order spread upon the minutes of the said term of the court in minute book D, page 37.

Given under my hand and official seal at [SEAL] office in Rusk, this seventh day of February, A. D. 1874.

W. L. BYRD, Clerk of District Court.

By CHAS. A. MILLER, Deputy.

Which, without comment, portrays his ignorance and disregard for law. But on the twenty-second day of December, A. D. 1870, his imbecility caused him to forget his act of the third day of said month, and on said twenty-second day of December, 1870, he approved a bond for his said son-in-law as treasurer, for the nominal sum of five thousand dollars, the said sureties being nearly, if not altogether, insolvent, as was the principal, W. L. David, doubtless believing that the police court would accept said act as a compromise; but failing in his efforts to get the police court to recognize his son-in-law without bond, he did, on the thirteenth day of May, 1871, cause to be entered, in vacation, an order removing Thomas E. Hogg, Esq., justice of the peace of Cherokee county, from office, because, as stated in said order, the police court, of which said Hogg was presiding officer, failed to recognize his, the said Priest's, son-in-law as treasurer of Cherokee county. And after said proceedings removing said Justice Hogg were appealed to our Supreme Court, the said Priest evinced his unbearable ignorance by causing the following order to be entered upon the minutes of Cherokee County District Court, in vacation:

EXHIBIT B.

THE STATE OF TEXAS, CHEROKEE COUNTY.—Be it remembered, that in vacation, on the twenty-seventh day of May, 1871, M. Priest, judge of Fourth Judicial District, on his own motion, caused the following order to be entered upon the minutes of the District Court of Cherokee county:

Whereas, By communication of the Governor, E. J. Davis, in relation to the removal of Thomas E. Hogg, justice of the peace for Cherokee county, precinct No. 2, I am informed that the law authorizing district judges to remove justices of the peace and order elections has been repealed.

It is therefore ordered that the order heretofore made by me for the removal of said Justice Thos. E. Hogg, be and the same is hereby revoked, and that this order be entered on the minutes of the District Court of Cherokee county.

M. PRIEST.

Judge Fourth Jud. Dis't. Texas.

THE STATE OF TEXAS, CHEROKEE COUNTY.—I, W. L. Byrd, Clerk of the District Court of said county, do hereby certify that the foregoing is a full, true and correct transcript of an order spread upon the minutes of said vacation in minute book D, page 115.

Given under my hand and official seal at [SEAL] office in Rusk, this ninth day of February, A. D. 1874.

W. L. BYRD,
Clerk District Court.

By CHAS. A. MILLER, Deputy.

Whereby he admits his ignorance of the laws of the State, and that he draws from the Executive his judicial decisions, being a mere fool in the hands of the man who gave him his judicial existence, and unworthy longer to exist in that capacity.

Tenth, Because by the following acts: In issuing writ of *habeas corpus* on the twenty-ninth day of August, 1870, to relieve R. M. Saunders who had murdered one Kelly and committed in June previous by Judge S. A. Earle, without bail. Said Priest granting bail in the sum of seven thousand dollars; the said Saunders not being able to give the said bail, with solvent sureties, the said Priest did on the twentieth day of September, 1870, issue what he calls a writ of *habeas corpus*, but it was in truth a writ based upon complaint against R. B. Reagan, sheriff of Cherokee county in nature of an application for mandamus to compel said Sheriff Reagan, to approve the said worthless bond, but attorneys for respondent Reagan, denying that the said Priest was the conscience keeper of the sheriff, holding that the said Reagan was under his oath responsible to his God, and for his official acts amenable to the State of Texas, the said Priest ignored the said sheriff, and approved the said worthless bond himself, attorneys representing the State protesting against such usurpation, but the said Saunders was released.

After indictment at November term, 1870, the said Priest reduced the bail of said Saunders to (\$4000) four thousand dollars, and refused the privilege to counsel representing the State to test the sufficiency of sureties. Before the cause was called for trial, said Saunders became a fugitive from justice forfeited his bail, was recaptured, and upon trial was convicted of murder in the first degree, by an honest and intelligent jury. Upon the verdict thus found being read, the said Priest angrily said: "I thank God that I am judge of this district, and have the power and the nerve to set aside the verdict," before the attorneys for defendant had made any move for a new trial—following which the said Priest, Jeffrey-like, in a rage, did insult the jury and counsel representing the State; and the said Priest followed up his insults to the State's counsel,

upon three subsequent hearings, of three several *habeas corpus* cases, he having become chronic in his use of his writ, and issued five in said case, which acts, together with the acts of L. W. Cooper, Judge of the Third Judicial District, in setting aside the verdict of the second jury of honest men who rendered a verdict of guilty of murder in the first degree, and the further act of the said Priest in reducing the bail of the said Saunders to \$2000, after two convictions, so attracted the attention of the citizens of Cherokee county that they were led to investigate, and became so thoroughly convinced that the said Saunders was guilty of the crime with which he was charged, and that he was attempted to be acquitted by political judges; that the opinions thus formed disqualified them as jurors, hence the State at the July term, 1873, three years after the murder, was left without the privilege of selecting an honest and intelligent jury, and the defendant Saunders, at the expense of justice, was acquitted.

Eleventh, Because the said Priest has, by his neglect to transact business in Cherokee county, caused the good citizens to decline asserting legal rights, the said Priest rarely ever trying more than one or two causes on the civil docket at each term—declining to do any business on the said civil docket after the first week. Also, the said Priest had neglected to sign the minutes of July term, 1872, as well as July term, 1873, of District Court of Cherokee county, by reason of which said neglect the action of said court at said terms is a nullity, unless relieved by legislation.

Twelfth, Because the said Priest, in ignorance of his duties, believing that by serving the Radical party he would be more in the proper line of duty than by observing his oath and the law, he has made it a rule to favor all parties of African descent tried before him, and especially of Jake Hogg, f. m. c., for hog stealing, the said Jake having been caught in the act of stealing; after conviction, the verdict was set aside.

In the case of the State v. Almira Taylor, f. w. c., who placed her newly-born bastard infant in the woods to perish, the said Priest ignored the acting district attorney, and allowed a *nolle prosequi* (over the protest of the district attorney) to be taken by employed counsel as to the intent to murder, and a plea of guilty of an aggravated assault upon her said infant, and fine of \$100 entered.

Thirteenth, Because the said Priest, in contempt and disregard of the high position of Judge of the Fourth Judicial District, and in ignorance of the duties and obligations entailed by the position he was attempting to fill, did, on the . . . day of . . . , 1871, cause a portion of the State police to congregate at Rusk, Cherokee

county, to intimidate the sheriff of said county, R. B. Reagan, because he, the said Reagan, would not obey the behests of the said Priest in attempting to fraudulently foist his, said Priest's, son-in-law, W. L. David, upon the people without bond, as county treasurer of Cherokee county; and the said Priest, in ignorance of the law, did inform said Reagan that he had orders from his, Priest's master, E. J. Davis, to remove him, the said Reagan, from the office of sheriff because the said Reagan would not disobey the lawful orders of the police court, which said orders the said Reagan was under his oath bound to obey, and not subject to the will of the said Priest.

Fourteenth, Because, in cases No. 1203, 1204, and 1205, the State of Texas v. L. R. Peacock, indicted for theft, in which cases M. Priest, acting judge, as well as the district attorney, were of counsel for defendant, and disqualified from acting in said cases, which fact being known to E. W. Bush, attorney, prosecuting in behalf of the State, and said Bush having left Cherokee court to attend Anderson court, on the fourteenth day of August, 1873, the said Priest, in the absence of said Bush, appointed two young men to represent the State and prosecute his, Priest's client, but neither of them are shown to have been sworn as district attorney *pro tem*.

After said appointment the attorneys for defendant and said young men, Whitman and Bloomfield, agreed to a special judge to try said case, who also acted without being sworn, and the said special judge, Peyton Edwards, did dismiss the said cases from the docket. Which said acts of said Priest show that he was either ignorant of the law, in permitting a special judge in a criminal case, by agreement of parties, or thought he could favor his client; in either event, the House of Representatives, the Senate concurring, ask your Excellency not to allow such to again be enacted, and halt not at a semicolon, but bring his judicial existence to a full period.

Fifteenth, Because not more than twenty-four weeks in the year, allowing two weeks at each term to San Augustine county, two weeks to each term in Nacogdoches county and four weeks to each term in Cherokee county, is necessary to transact the business in the district courts of the Fourth Judicial District, which is reasonable cause for the removal of said Judge M. Priest, as well as most of the judges in the State.

Senator Ireland moved to postpone, for the time being, the consideration of the special orders, to consider Senate Bill No. 93, "An act to validate 'An act to encourage stock-raising, and for the protection of stockraisers.'" Carried.

(Senator Flanagan in the chair.)

The bill was read second time.

Senator Swift offered the following amendment: Amend by exempting the following counties from the operation of this law: "Grimes, Walker, San Jacinto, Madison, Red River, Titus, Burleson, Bowie, Angelina, Cherokee, Houston, Trinity, Van Zandt, Fannin, Lamar, Rockwall, Austin, Anderson, Kaufman, Henderson, Delta, Cass, Marion, Limestone, Collin, Brazos, Hopkins, Freestone, Rains, Wood, Harrison, Smith, Upshur, Hunt, Chambers, Liberty, Hardin, Jasper, Jefferson, Nacogdoches, Fort Bend, Tyler, Polk, Panola, Shelby, San Augustine, Sabine, Rusk, Gregg, Orange, ~~Newton~~, and Washington."

Senator Wood moved to add the counties of Leon and Robertson.

Senator Ledbetter moved to add the counties of Bastrop and Fayette.

(Mr. President in the chair.)

Senator Ireland moved that the bill be made special order for to-morrow at 12 o'clock M.

Senator Swift withdrew his amendment offering to exempt the various counties.

Senator Ireland then withdrew his motion to make the bill the special order for to-morrow.

The question being on the engrossment of the bill.

Senator Flanagan moved that it be made special order for to-morrow at 12 o'clock M., and be continued from day to day until disposed of. Carried.

On motion of Senator Wood, the Senate adjourned to 10 o'clock A. M. to-morrow.

THIRTY-SEVENTH DAY.

SENATE CHAMBER, (

AUSTIN, February 26, 1874.)

Senate met pursuant to adjournment. Roll called; quorum present.

Prayer by the chaplain.

The journal of yesterday was read and adopted.

Senator Hobby moved that the Senate resolve itself into a high court of impeachment for the trial of Judge Chambers, of the First Judicial District, on next Monday, at 10 o'clock A. M. Carried.

Senator Weiffall presented the petition of citizens of Barnett county, "asking that certain parties be relieved from a judgment of the court on their official bonds." Read and referred to Judiciary Committee.

Senator Flanagan presented the petition of A. R. Crow, of Rusk county, "asking that himself and others be relieved of their liability on the official bond of Andrew Rogers, late assessor and collector of taxes of Rusk county." Read and referred to the Committee on Finance.